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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,412	08/30/2001	Pritz Kortschack	206332US2PCT	5925

22850 7590 10/14/2003

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EXAMINER

YEUNG, GEORGE CHAN PUI

ART UNIT	PAPER NUMBER
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1761

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/807,412	KORTSCHACK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	George C Yeung	1761	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**P eriod for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>11232001</u> . | 6) <input type="checkbox"/> Other:  |

### DETAILED ACTION

Claims 1-15 are objected to because of the following informalities:

The word "having" recited in claim 1, line 3 should be changed to read -- comprising --; and the phrase "characterized in that" recited in claims 2-15, line 1 of each, should be changed to read -- wherein -- in order to conform to the terminology used in the U.S. claim practice.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention for the following reasons:

1. There is no antecedent basis for "the raw product" recited in claim 1, lines 5, 6, 12 and 14. The change of "the raw product" recited in claims 1, 2 and 4-15 to -- the raw sausage emulsions -- would obviate this rejection (see claim 1, lines 1-2).
2. The limitation "formation of a thin, sealed, shape-stabilizing independent coagulation skin on the surface of the raw product by at least temporary action of ultrasonic energy in the low frequency range, but with high vibrational amplitude" recited in claim 1, lines 10-14 is improper since it fails to impart a positive manipulative step to the process claim. The change of this limitation to -- treating the surface of the raw sausage emulsions with at least temporary action of ultrasonic energy in the low frequency range, but with high vibrational amplitude

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sufficient to form a thin, sealed, shape-stabilizing independent coagulation skin on the surface of the raw sausage emulsions -- would overcome this rejection.

3. The limitation "transfer of the raw product to further processing or packaging" recited in claim 1, lines 14-15 is improper since it fails to impart a positive manipulative step to the process claim. The change of this limitation to -- transferring the ultrasonic-energy treated raw sausage emulsions to further processing or packaging -- would obviate this rejection.

4. The term "this type" recited in claims 7 and 12-15, last line of each, is indefinite.

Claims 1-15 are free of the prior art. Claims 1-15 would be allowable if amended to overcome the objections and the rejections under 35 U.S.C. 112 set forth in this Office action.

The Kobussen et al patent is cited to show a method for making an extruded food product. The Manna et al patent is cited to show a method for manufacturing hot dogs using high power ultrasound.

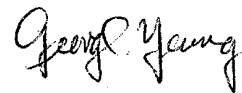
Any inquiry concerning this communication from the examiner should be directed to Examiner George C. Yeung whose telephone number is (703) 308-3848. The examiner can generally be reached on Monday-Friday from 10:30 a.m. to 7:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (703) 308-3959. The fax phone numbers for the organization where this application is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

G.C. Yeung/dh  
October 1, 2003



**GEORGE C. YEUNG  
PRIMARY EXAMINER**